

Ames No 53

Relation to Education Education

W. H.

white

Oct 9 '78

Read & referred
to Com on Education

Thornton

Ass Sec

Dec 13/78

Reported back
with substitute
Am #523

12

Smith

as sec

Mr. H. H. K.

Am 17th 1878

White

DNA

76

Resolved
That the Committee on
Education be instructed to
report the following Article
for the New Constitution of
California

ARTICLE

SEC. 1. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at the same time that the Governor is elected, and shall hold his office for the same time as the Governor. His duties shall be provided by law. He shall receive an annual salary of two thousand four hundred dollars, to be paid quarterly.

SEC. 2. The Legislature shall foster by all suitable means the Public School system of the State. The proceeds of all lands that may be granted by the United States to this State for educational purposes, or that have been heretofore granted, all estates of deceased persons who may have died without leaving a will or heirs, and also such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which together with the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of Common Schools throughout the State, and no part of such fund, or any money raised by taxation for school purposes, shall ever be appropriated to or divided between sectarian schools.

SEC. 3. Instruction in the Common schools shall be

in the English language, and confined to the following: Reading, Writing, Orthography, Grammar, Geography, Arithmetic, Book-keeping, Algebra, Geometry, Surveying, Navigation and Ancient and Modern History.

SEC. 4. The Legislature shall provide that no religious books shall be used in the Common Schools, or any particular religion taught or advocated, and that care shall be taken to guard the rights of conscience of all children attending the Public Schools.

SEC. 5. The Legislature shall by law provide that none but teachers of unquestioned sobriety and good moral character shall be employed as teachers in the

SEC. 6. The Legislature shall provide by law that a lecture on the nobility of labor shall be delivered at least once a month in every Public School in the State by the Principal thereof, dwelling on its paramount importance in the affairs of men in every walk of life.

SEC. 7. The Common Schools of this State shall be kept up and supported in each district for at least four months of every year, and the Legislature shall by law provide the necessary funds for doing so.

SEC. 8. Education in the Public Schools shall be free to all, and each scholar shall be furnished with such school books as his studies require at the expense of the State.

1851
Public Schools

Public Schools

SEC. 9. The Legislature may require by law that every parent or guardian of children under fourteen years of age, shall give them as good an education as that to be obtained in the Common Schools, in cases where they do not send them to the Public Schools by choice.

SEC. 10. The Legislature shall enact laws for the modification and management of the State University, so that hereafter all instruction shall be of a practical character, and confined to all such teaching as shall properly belong to all mechanical arts and sciences, and to all sciences properly relating to agriculture and no other. The system adopted shall provide that every

student shall spend at least two hours every day in manual labor at some mechanical art or in cultivating the ground. The students in attendance at the University shall be entitled to instruction in all studies they may select consistent with the rules of the University. All necessary books, and board and lodging, free of all charge. The privilege of sending to the University shall be divided between the cities and counties of the State according to population in such manner as the Legislature may provide.

SEC. 11. When the University of California is modified as provided for in the foregoing section, the Legislature shall make such appropriations from the State Treasury as they shall deem prudent to assist in its support, and the proceeds of all lands granted by Congress to the State for University purposes shall be properly invested as a perpetual fund for its support, but until such modification is provided for by law no money whatever shall be expended by the State for its support

SEC. 12. In order that every child in this State may have a fair opportunity to learn the privileges, rights, duties and obligations pertaining to freemen, the Legislature shall, by appropriate legislation, cause to be published, at the expense of the State, in one well bound volume, of convenient size, the Declaration of American Independence, the Constitution of the United States of America, the Constitution of the State of California, and Washington's Farewell Address; and shall cause the same to be distributed, free of cost, to the children in the common schools, and to be used and taught therein as a text-book; and also in the University of California.

Amendment No 5-14

Relative to Taxation

Revenue and
Taxation
Wilson

Oct 9 off

Read & referred
to Com on Revenue
& Taxation

Thornton
ass Secy

Nov. 18, 1878
Reported back
with substitute
Amendment, No. 510.
J. M. Wright,
Asst. Secretary

H. C. Wilson

(78)

Resolved
That the Cause of the Most
of the wrongs that the people
Now Complain of is the
unjust legislation in favor
of Capital

Second All men should pay
Taxes on what he is actually
worth

Third no person should
pay Taxes on his indebtedness

H. W. Wilson

Amendment 523

Relative to Education

Oct 9 '78

Read & referred to
Com on Education

Thorton

see

see 113/78

Reported back
with substitute
am # 523.

Smith

see

Oct 14th 1878

DWA see

Winn

From
J. P. Vincent

Education.

Proposed to be inserted in the following Article of the
New Constitution under the Article Entitled
Education and as part of the Article

old Const.
Article IX.
Sec. 1

Section 1. A Superintendent of Public Instruction shall be elected by the qualified electors of this State at the same time the Governor is elected. He shall hold his office for four years from the second Monday in January next after his election.

His duties shall be prescribed by law. ~~He shall receive an annual salary of three thousand dollars to be paid quarterly.~~

This section is a modification of the idea as expressed in the Mich. Con. Article XIII. Sec. 9. Such Boards are provided for in the constitutions of Ala. Ga. So. Mich. Miss. Mo. Va. and N. + S. Carolina

Section 2. There shall be elected by the qualified electors of this state at the same time the Governor is elected, four members of a State Board of Education, one for two years, one for four years, one for six years and one for eight years, and at each succeeding biennial election there shall be elected one member of such Board who shall hold office for eight years.

The Superintendent of Public Instruction shall be ex-officio a member and Secretary of said Board. The Board shall have the same pay and mileage as members of the Legislature when in session.

Ala. Con. Art. XI Sec. 7 + 9. So. Con. Art. IX Sec. 1, 4, 5, 6, 13, 14 + 15. and some new points

Section 3. The State Board of Education shall meet at the Capital of the State under the call of the Secretary of the Board on the first Tuesday in

February next succeeding their election and continue in session not longer than twenty days and annually thereafter. ^{for 2 1/2 to 3 days longer than at last Annual Session} A majority shall constitute a quorum. The style of their Acts shall be "Be it enacted by the Board of Education of the State of California."

Section 4. The State Board of Education shall have power to legislate and make rules in relation to common schools and the State Normal School and perform such other duties as may be required by law.

The State Board of Education in fixing the course of study, shall include the following branches: reading, writing, spelling, arithmetic, geography, grammar, history of the United States, and in the higher classes some manual of government. The proceedings of the Board shall be printed by the Superintendent of State Printing under the direction of the Superintendent of Public Instruction, and the Superintendent of Public Instruction shall send a copy of said proceedings to each school trustee and teacher in this state, and have one thousand extra copies printed for citizens generally, who may apply for them. Neither the State Board

The general powers are the same as in the State named opposite Sec. 2. with some new ideas points.

of Education nor the Legislature shall enforce ~~an~~ uniformity of text-books throughout this State, but the matter shall be left to local Boards of Education and Trustees of School Districts to select suitable text-book and for such period of time as they deem best for their interests.

Old. Con. of
Cal. Art. IX
Sec. 2.

Section 5 The Legislature shall encourage by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of Schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an Act of Congress. distributing the proceeds of the public lands among the several states of the Union, approved A.D. one thousand eight hundred and forty one, and all estates of deceased persons who may have died without having a will or heir and also such percent. as may be granted by Congress on the sale of lands in this state, shall be and remain a perpetual fund. the interest of which together with all the rents of unsold lands, and such other means as the Legislature may provide, shall be

inviolably appropriated to the support of Common schools throughout the State.

Old Con. of
Col. Art. 17
Sec. 3.

Section 6. The Legislature shall provide for a system of Common Schools, by which a school shall be kept up and supported, in each district, at least three months in every year, and any district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

Old Con. of
Col. Art. 17
Sec. 4.

Section 7. The Legislature shall take measures for the protection, improvement or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source for the purposes aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the Arts, and Sciences, as maybe authorized by the terms of said grant. And it shall be the duty of the Legislature, as soon as maybe, to provide effectual means for the improvement and permanent security of the funds of said University.

Section 8. No religious sect or sects shall ever have use of, or control any part of the school or University funds of this State.

General American
Standing.

Education
Wisconsin

Amendment
No. 56

Amendment to Section
Twenty one of
Article one of the
Constitution relative
to powers not granted

Preamble & Bill of Rights

Oct 9 1848

Read & referred to
Committee on Preamble
& Bill of Rights

Thornton

as sec

Oct 24 48

Reported back by com
without recommendation

Thornton

By La Rue as sec

for Thornton

A Proposition to,

Amend Section Twenty one
Article one of the Constitution
so as to read as follows:

Section Twenty one. This
enumeration of rights shall
not be construed to impair
or deny others retained by
the people, and shall not
be construed to the exercise
of powers not granted herein.

Amendment No 5-17

Relates to Grand

Judiciary

La Rue

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Jurors

Oct 9/98

Reads referred
to Committee on
Judiciary & Judicial
Department

Thornton

Asst Sec

Nov 13. 98

Reported back with
substitute Am No 503

Thornton

Asst. Sec

84

La Rue

By La Rue

Grand Jurors

1 That the Constitution be
2 so amended that Grand
3 Jurors must be selected
4 by the County Judge from
5 the Tax payers of the county,
6 and must serve for a term
7 of one year. To be called
8 together by the County Judge
9 at any time, and a majority
10 of two thirds of said Grand
11 Jury shall indict
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Amendmt No 5-8

Corporation

Relative to Freight
& Taxes

In relation to Freight
and Taxes.

Oct 9 1878

J. J. Ayers.

Read & referred
to Committee on
Corporations other
than Municipal

Read in Com
E

Thornton
as see

Oct 30. aft

Reported back with
Substitute No 444

Thornton
as see

Ayers

83

23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

Per J. J. Ayers

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Resolved, That the Committee on Cor-
porations consider the following prop-
osition for insertion in the Constitu-
tion:

Sec. Whenever a railroad
or canal corporation shall, for the
purpose of competing with a rival
line, lower its rates for transpor-
tation of passengers or freight, from
one point to another, such reduced
rates shall not be again raised or
increased from such reduced standard.

Amendment No 60

Relation to Official Ex Dept

Bonds

M Farland

Oct 9/48

Read & referred
to Committee on
Executive Department

Thornton

Asst Secy

M Farland

(85)

Executive Department

No officer of this State or of any Municipal Corporation thereof, shall be required to give any official bond, except in cases of officers who, by virtue of their offices, have custody of private property.

M^r Farland

Amendment No 61

Relative to Salary Legislative Dept
of Governor

Key

Oct 9/48

Read & referred
to Committee on
Legislative Dept

Thomson

Asst Secy

Nov 11. 48

Repealed back with
substitute am No 61

Thomson
Asst Secy

56

Keep

Salary of State Officers
Resolved

That the Salary of the Governor
shall not exceed Five Thousand Dollars
Per annum and the Salary of Lieutenant
Governor shall be Double the Pay of Senators
and the Pay of Members of the Legislature
shall be Five Dollars Per Diem While
in attendance

Amendment No 62

on Suffrage

Relation to Sec 5-

Hitchcock

Art 2 of Constitution

Rights of Suff

Oct 9/48

Read & referred
to Committee on
Right of Suffrage

Thornton

Asa See

Nov 13. of 8.

Reported back with
substitute Am No 504

Thornton

Asa See

Hitchcock

87

Resolved that Article (2)
two Section (5) five be amended
so as to read That no person
shall be entitled to vote that
has not paid a "Poll" tax
the previous year

Amendment No 63

Relative to Emigration

House of Representatives
Hatchwell

Nov 22, 1878

Oct 9/78
Read & referred
to Committee on
Agriculture, Manu-
factures & Commerce
Thornton
Ass Rec

Reported back
with a ~~recommendation~~
also that no
further action be
taken Sub Am 7574
Thornton
Ass Rec

Oct 23, 78
Reported back &
referred to Com on Water
& Water Rights
Thornton
Ass Rec
Hatchwell

(88)

~~Article four - Section six, on~~
On Agriculture, Manufacturing,
Mining and Irrigation -

Resolved -

All persons and Corporations shall have the right of way across public, private, and corporate lands for the construction of ditches, flumes, and canals for the purpose of conveying water for domestic purposes, for the irrigation or reclamation of lands, and for manufacturing and mining purposes, and for drainage, upon payment of just compensation; Persons owning lands benefited thereby shall bear their just proportion of expenses for drainage or protection against overflow -

adopted

8
Mr. President

The Committee on Chinese to whom was referred the proposed amendment to the Constitution Art. 64, which is in these words, to wit: — "Sec — All further immigration to this State of Chinese, is hereby prohibited. The municipal authorities of the Ports in this State, to which they are destined, shall have power to prevent their debarkation, and to re-embark them if landed." — have had the same under consideration and now beg leave to report it back to the Convention with the recommendation that it be not adopted: for the reason, that in the opinion of the Committee, the proposed Amendment is in substance and intent a regulation of ^{foreign} Commerce by the State, and therefore in conflict with the Constitution of the United States, which delegates to the National Government the exclusive power to regulate Commerce.

Respectfully Submitted

J. W. Miller

Chairman

Sacramento Oct. 18th 1878

O

Report of Law
on Chinese

O

By Mr Miller

~~Resolved~~

That proposition No. 64 by
Mr. Ayer together with the report of
the Committee on Chinese thereon, be
taken from the General file and
recommitted to the Committee
on Chinese

Oct 30. 18

Read & adopted
Thomson
Assy

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Chinese Immigration:

Per James J. Ayers.

Sec. All further immigration to this State of Chinese is hereby prohibited. The Municipal authorities of the ports in this State to which they are destined shall have power to prevent their debarkation, and to re-embark them if landed, and

Am No 64

Relation to Chinese

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Chinese Immigration

Per J. J. Ayers

Oct 10/78
Read & referred
to Com on Chinese
Thomson

Asa Lee

Oct 30. 78
Taken from Genl file
& committed to
the committee on
Chinese

Thomson
Asa Lee

Oct 18. 78
Reported back, with
the recommendation that
it be not adopted and
referred to the Com of
the whole

Thomson
Asa Lee

Com on Chinese

Ayers

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Am No 65-

Relative to respon
sibility of Bank
Directors

Oct 10. 1878
Read & referred
to Com on Legislative
Department

Thomson
Asst Sec

Nov 11. aft
Referred back with
substitute Am No 501
Thomson
Asst Sec

Ayers

Proposition to hold Savings
Banks Directors liable
for misappropriation
of funds.

Per J. J. Ayers.

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Secy. Dep.

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PAGE.

Introduced by James J. Ayres:

Relating to the responsibility of the Directors of ^{Savings} Banks.

Sec. It shall be the duty of the Legislature to enact a law which shall hold the Directors of Savings Banks responsible in their individual property and estates for the misappropriation by the officers of such Banks of the funds or deposits of such institutions:

Legislative Committee

Am 66

Relation to Lobbying

on Lobbying

"Bill of Rights"

By Barbour

Oct 10/78
Read & referred
to Com on Preamble
& Bill of Rights
Thornton
Ass Rec

Oct 24. 78
Reported back by Com
without recommendation
Thornton
Ass Rec

Barbour

25
Bill of rights

1 Lobbying — Bill of Rights.

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Sec — Lobbying is declared to
be a crime, and the Legislature
shall enforce this provision by
suitable penalties

By Barbour

Amendment
no. ~~67~~ 67

To amend Act
IX, Sec 3.

Dec 13/78

Reported back
with substitute
am #523

Smith
as the

Education and
the Expenditure
of school money.

Oct 20/78

Read & referred to
Com on Education
Thornton

Read in Committee
Nov 27
Education
Oct 17 to 18
SW Sec

Introduced by
W. A. Baird

(over)

On Education:

Resolved: That Sec. 3 of Article 14 of the Constitution be amended by adding thereto the following:

That all monies raised by taxation in towns, cities, and school districts, for the support of public schools and all monies which may be appropriated by the state for the support of common schools shall ^{be} applied to and expended in no other schools than those which are conducted according to law, under the aid and superintendence of the authorities of the town, city or school district in which the money is to be expended; and such monies shall never be expended upon or appropriated to any Religion, Sect. for the maintenance, exclusively, of its own schools.



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Anti-Chinese Sections -

PAGE.

Bill of Rights

Sec — The people of this state have the ~~sole~~ inherent, sole and exclusive right of regulating their internal government, and the police thereof; they have the right to determine what is detrimental to the well-being of the state, and to exhaust the power of the state to prohibit and prevent it

Sec — Aliens eligible to become citizens of the United States, under the naturalization laws thereof, who are or may hereafter become bona fide residents of this state, may acquire, inherit, possess, enjoy and dispose of property, real and personal, as native born citizens; they have the same right to sue and be sued in the courts of the state, to have license to carry on business or follow any trade or occupation; to fish in the inland waters of the state, and to the equal protec-

1 tions of the laws as native born
2 Citizens.

PAGE.

3 Aliens ineligible to become citizens
4 may be prohibited by the Legislature,
5 whenever, in its judgment, the
6 welfare of the state demands it,
7 from acquiring, inheriting, possessing,
8 enjoying or disposing of any
9 property, real or personal; from
10 suing or being sued in any of the
11 Courts of the State; from fishing
12 in the inland waters of the State;
13 from having license to engage in any
14 business or occupation in this
15 state, and may be excluded from
16 residence in any specified limits
17 of this state whenever their presence
18 shall be deemed dangerous to the
19 health, comfort and happiness of
20 the people.

21
22 Sec - There shall be neither
23 slavery nor involuntary servitude
24 within the state of California, save
25 as a punishment for crime
26 after legal conviction thereof. The
27 Legislature shall provide by suitable
28 penalties for the prohibition of the
bringing into this state of

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persons bound to a term of service
 or labor on contracts made without
 the United States, and may provide
 for the deportation of all persons
 thus brought into the state

Am 4/68

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Relative to Chinese

Anti-Chinese
sections

Oct 10 48

"Bill of Rights"

Read & referred to
Com on Preamble
& Bill of Rights

By Barbour

Thornton

Ass Rec

Oct 24 48

Reported back without
recommmendation by
Com.

26

Thornton
Ass Rec

Bill of Rights

Barbour

Pardoning Power.

Resolution to amend Section 13
of Article V. of the Constitution.

Executive Department.

The Governor shall have the power
to grant reprieves and pardons
in cases of misdemeanor only,
after conviction.

The Governor, ~~Justices~~ Attorney
General, and Justices of the Sup-
reme Court, or a major part
of them, may upon such con-
ditions and with such limit-
ations and restrictions as they
may deem proper, remit fines
and forfeitures, commute punish-
ments and grant pardons after
conviction in all cases except mis-
demeanors, (where the Governor alone
shall have the power), treason
and impeachment, subject to
such regulations as may be pro-
vided by law relative to the man-
ner of applying for pardons.
Upon conviction for treason they
shall have the power to suspend
the execution of the sentence until
the case shall be reported to the
Legislature at its next meeting,
when the Legislature shall either

pardon, direct the execution of the sentence, or grant a further reprieve. They, and the Governor shall, ^{himself} in cases of misdemeanors, communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, at its date, and the date of the pardon or reprieve.

Am. A. 69

Resolution by
Edward Barry
on the
pardoning power

Relative to Pardoning
Power

Oct 10 '78

Read & referred to
Com on Pardoning
Power

Thornton

As per

Oct 30 '78

Reported back that it was
not adopted

Thornton

As per

Barry

Pardoning Power

28

Asiatic Coolieism.

Resolved, ^{First} That Asiatic coolieism, being a form of human slavery, is forever prohibited in this State.

Second. That all contracts for coolie labor are null and void.

Third. That all companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to the penalties and punishment provided in the laws of Congress against the importers of African slaves.

Fourth. That in all trials under State jurisdiction for violations of this section, the jury shall be the judge of the law and the facts in each case.

Fifth. This section shall be enforced by appropriate legislation.

Am No 70

Resolution on
Asiatic Controversy
offered by
E Barry

Relative to Chinese

Oct 10 48
Read & referred to
Comm on Chinese

Thornton
as rec

Oct 31. 48
Reported back with
Substitute Am No 454

Thornton
as rec

29

Chinese

Barry

Article -
Section -

Relating to Assessment

Resolved. The legislature shall have power to fix a day for the listing of all property within this State and by appropriate legislation compel the assessors of this State, to prepare such list with the statutory exemptions printed thereon, and forward at least one list to every taxpayer within his respective district

Am No 70

Relation to Assessments

Oct 10/98

Read & referred to
Com on Revenue & Taxation

Thornton

As per

Nov. 18, 1898

Reported back
with substitute
amendment No. 670.

J. M. Wright,
Asst. Secretary.

30
Rev & Tax

Barton

J. S. Barton

Article -
Section -

Relating to the rights of the people in regard to their
local powers.

Resolved, the legislature shall have
power to properly submit the question of local
option to the people, in regard to the subject of
the County Commissioners, granting licence to
wholesale or retail intoxicating liquors in their
respective Counties, Cities, or Cities, and Counties
in this State

Am No 47

Relation to Local

Options

Oct 10 18

Read & referred to
Com on Legislative
Department

Thornton

Ass Sec

Barton

31

Leg. Sec

J. H. - Barton

Hours of labor

Sec 1.

No person shall be employed in manual labor (except agricultural labor) by any person, firm, or corporation, in this state, for more than eight hours in any one day, except when it is necessary to repair machinery to prevent stoppage, or to prevent impending calamity. Eight hours shall constitute a days work, and in no case shall the hours of labor exceed forty eight (48) per week.

Sec 2.

Violations hereof shall be punished as misdemeanors.

Beerstecher

Am No 73

Hours of
Labor

Relative to Hours of
Labor

Oct 10 1848

Committee on
Labor and Capital

Read & referred to
Com on Legislative
Department

Thornton

Asst Sec

Nov 11 48

Reported back with
Substitute Am to S. 1

Thornton

Asst Secy

32
L. J. Sep.

Beerstecher

Beerstecher